

PATENT

Attorney Docket No. ROC920040004US1 (IBM/298)  
Confirmation No. 6102

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/777,869 is being electronically transmitted to the Technology Center 2162, via EFS-WEB, on February 1, 2008.

/Scott A. Stinebruner/  
Scott A. Stinebruner, Reg. No. 38,323

February 1, 2008  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dennis Steven DeLorme et al. Art Unit: 2161  
Application No.: 10/777,869 Examiner: Paul Kim  
Filed: February 12, 2004  
For: METHOD OF CONVERTING A FILESYSTEM WHILE THE FILESYSTEM  
REMAINS IN AN ACTIVE STATE

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**COMMUNICATION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in reply to the Office Action dated November 1, 2007, within the three month period for response. In the Office Action, the Examiner reopened prosecution subsequent to Applicant's Appeal Brief of July 3, 2007 and cited a new primary reference, U.S. Patent Application Pub. No. 2003/0037302 to Dzienis. Other than replacing the prior Sedlar reference with Dzienis, however, the Examiner more or less cut and pasted the original rejections into the new Office Action without addressing most of the arguments Applicant presented in the Appeal Brief, particularly with respect to the dependent claims.

Therefore, in lieu of filing a reply to the Office Action, Applicant has elected to initiate a new appeal as permitted under MPEP 1207.04, and a Notice of Appeal is accordingly being submitted herewith. A new Appeal Brief, addressing the new rejections,

will be filed in due course. Applicant notes that no fees are due in association with the Notice of Appeal or Appeal Brief, as these fees were paid in association with the prior appeal filed by Applicant in this case.

Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

February 1, 2008  
Date

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